761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: January 22, 2007

OFFICE CORRESPONDENCE FILE NO.

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: CARL H. DEELEY, CAPTAIN
LANCASTER STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, MARCH 4, 2005, FO2140826**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on March 4, 2005.

The Committee met on January 18, 2007, and consisted of me and Commanders Eric B. Smith (Leadership and Training Division), Kenneth J. Brazile (Commander of the Department), and Cecil W. Rhambo (FOR I). The Committee determined the use of force by Deputies Chris Mcmaster #[redacted] Kevin Haines #[redacted] Greg Kelly #[redacted] Dan Wolanski #[redacted] Melissa Sullivan #[redacted] and Jonathan White #[redacted] was within Department policy.

Please advise the deputy of this finding.

The Committee directs the unit commander to send the deputies to TASER training. The APIS Roster of the training attended must be returned with the Unit Commander Response form.

JGJ:MOT:mt

TABLE OF CONTENTS

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 005-04448-1123-499		Date: 03-04-05	Time: 1140
Location: DESERT INN MOTEL, 44219 SIERRA HIGHWAY, LANCASTER			
City or Station: LANCASTER			
Bureau/Station/Facility: LANCASTER STATION		Admin. Investigation: YES ☐ NO ☒	

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	ELLIS	RICHARD	

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
NONE				

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	SYLVIES	STEVE	L.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☐
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	HANDLEY	MICHAEL	A.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	FULLERTON	WALLACE	C.

Watch Commander's Signature: ____________________ Emp #: __________

Copy Provided to Employee by: ____________________ Emp #: __________

Supervisor Completing Form: Elier Morejon (Print) Emp #: [redacted]

Unit Commanders Signature: ____________________ Emp #: __________ Date Signed: __________

PSTD Use Only

FO# 2140826

Original: Unit Commander
Copy: P.S.T.D.Headquarters, Employee

See Reverse

Supervisor's Report on Use of Force

URN: 005-04448-1123-499

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED *(Only One Code Per Block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
S#1	E#1 THRU E#4	RS	NN	------
E#1	S#1	PO	NN	BK
E#2	S#1	PO	NN	BK
E#3	S#1	CR	NN	NK
E#4	S#1	PK	NN	GR
E#4	S#1	BI	BR	LE
E#5	S#1	TR	PW	BT
E#6	S#1	OC	NN	FA
E#2	S#1	TR	NN	BK

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 005-04448-1123-499

Involved Employee

	Employee #	Last Name	First Name	Middle Name	Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)	Shift	Shift Type	Age	Height	Weight	Medical Exam/Treatment	If Admitted, Name of Hospital	Coroner Case #	Directed Force	Significant Force
E1	[redacted]	MCMASTER	CHRISTOPHER	J.	☒ Male ☐ Female	W	LANCASTER STATION	811G4	☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	510	185	☐			☐	☒
E2	[redacted]	HAINES	KEVIN	R.	☒ Male ☐ Female	W	LANCASTER STATION	811G4	☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	190	☐			☐	☒
E3	[redacted]	KELLY	GREGORY	J.	☒ Male ☐ Female	W	LANCASTER STATION	811G1	☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	509	195	☐			☐	☒
E4	[redacted]	WOLANSKI	DANIEL	J.	☒ Male ☐ Female	W	LANCASTER STATION	811G1	☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	170	☐			☐	☒
E5	[redacted]	SULLIVAN	MELISSA	A.	☐ Male ☒ Female	W	LANCASTER STATION	112B	☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	507	145	☐			☐	☒
E6	[redacted]	WHITE	JONATHAN	W.	☒ Male ☐ Female	W	LANCASTER STATION	111T1	☐ EM ☒ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	511	195	☐			☐	☒

See Other Side

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 005-04448-1123-499

Suspect Information

S1

Last Name	EVANS	First Name	DAVID	Middle Name	LEVI
AKA Last Name	------	First Name	-----	Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☒ Male ☐ Female	B	[redacted]	[redacted]	[redacted]

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
[redacted]	[redacted]	45	602	07-04-59	190	☐

Booking #: 848053 Primary Charge: 11351.5 H&S Secondary Charge: 69 PC Criminal Histo[redacted]

Hospital Admission? ☒ Rec'd Treatment At: ANTELOPE VALLEY HOSP. Coroner Case#: 2005-01869 Mental History ☐

Under Influence: ☒ YES ☐ NO Substance: COCAINE

Photos of Suspect's Injuries ☒ YES ☐ NO

Suspect Interview

Date: N/A Time: Audiotape: ☐ Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance:

Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐

Suspect Information

S_

Last Name		First Name		Middle Name	
AKA Last Name		First Name		Middle Name	

Sex:	Race:	Street Address:	City:	State & Zip Code:
☐ Male ☐ Female				

Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed?
						☐

Booking #: Primary Charge: Secondary Charge: Criminal History ☐

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case#: Mental History ☐

Under Influence: ☐ YES ☐ NO Substance:

Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐

See Other Side

INVESTIGATIVE SUMMARY
SIGNIFICANT USE OF FORCE
DEATH OF THE SUSPECT WHILE IN CUSTODY
IAB FO 2140826
URN: 005-04448-1123-499

On Friday, March 4, 2005, Sergeants Elier Morejon and Gregory Key along with Lieutenant Curtis Jensen of the Internal Affairs Bureau responded to Lancaster Station, regarding a Significant Use of Force which resulted in the hospitalization of the suspect. The suspect later died at the hospital.

The summary of this incident is based on information obtained from the reports submitted by the involved employees and interviews of the witnesses, whose individual statements are contained in the Homicide Bureau case package. **Refer to Exhibit - A - Homicide Book**

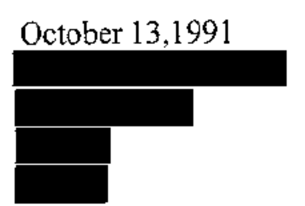
INVOLVED PERSONNEL:

McMASTER, Christopher J., Deputy, #[redacted]
HAINES, Kevin, Deputy, #[redacted]
KELLY, Gregory J., Deputy, #[redacted]
WOLANSKI, Daniel J., Deputy, #[redacted]
SULLIVAN, Melissa A., Deputy, #[redacted]
WHITE, Jonathan W., Deputy, #[redacted]
Lancaster Station
Field Operations Region I

EMPLOYEE WORK HISTORY:

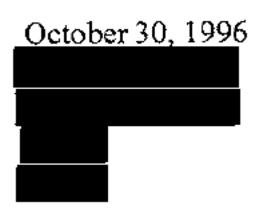
McMASTER, Christopher J.

Date of Employment:	October 13,1991
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]



HAINES, Kevin R.

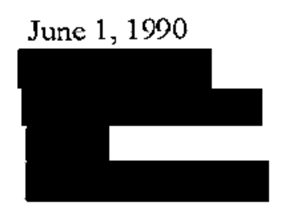
Date of Employment:	October 30, 1996
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	[redacted]
Prior Shooting Incidents:	[redacted]
Prior Founded Force Incidents:	[redacted]



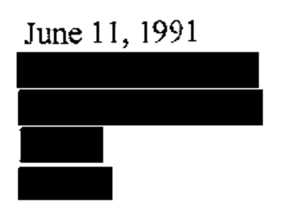
KELLY, Gregory J.

Date of Employment: October 4, 1991
Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: August 23, 2002
Prior Founded Force Incidents: [redacted]

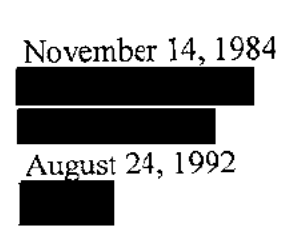
WOLANSKI, Daniel J.

Date of Employment: June 1, 1990

Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SULLIVAN, Melissa A.

Date of Employment: June 11, 1991

Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

WHITE, Jonathan W.

Date of Employment: November 14, 1984

Date assigned to Patrol: [redacted]
Completed Patrol Training: [redacted]
Prior Shooting Incidents: August 24, 1992
Prior Founded Force Incidents: [redacted]

SUSPECT:

EVANS, David Levi M/B/45

Suspect Evans has [redacted] per Consolidated Criminal History Reporting System (CCHRS). **Refer to Exhibit - B - Copy of Suspect Evans' Criminal History Report**

> **IAB NOTE: Although Suspect Evans has [redacted] per CCHRS, he had been [redacted] Refer to Miscellaneous Documents - SH-R-49 - 405-02728-1124-181.**

WITNESSES:

Sworn:

ELLIS, Richard, A. Deputy, [redacted]

Civilian:

None

INJURIES:

Suspect Evans was treated at Antelope Valley Medical Center where he subsequently died. The autopsy report indicated that Suspect Evans died of "sequelae of hypoxic/ischemic encephalopathy with brain death due to or as a result of cardiorespiratory arrest due to or as a result of the combined effects of cocaine use of an unknown quantity, coronary atherosclerosis and restraint maneuvers with a further contributing condition of Hemoglobinotpathy AS (Sickle Cell disease)."
Refer to Exhibit - A - Homicide Book - Coroners Report, Pages 66-98.

No deputies were injured during this incident.

PHYSICAL EVIDENCE:

Several items of evidence were collected at the scene. **Refer to Exhibit - D - Original SH-R-49 for list of items recovered.**

INVESTIGATOR'S OBSERVATIONS:

The location of the incident was inside a motel room at the Desert Inn Motel, 44219 Sierra Highway, Lancaster. **Refer to Exhibit - C - Photographs of Desert Inn Motel, room [redacted] and Exhibit - A - page 59, sketch of room #124.**

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, M-26 Taser, Oleoresin Capsicum Spray, Carotid Restraint

WEAPONS USED BY SUSPECT:

Uncooperative and resistance

PROPERTY DAMAGE:

None noted

CRIMINAL INVESTIGATOR/CHARGES FILED:

Suspect deceased.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred inside of a motel room. The lighting conditions were fair.

SUMMARY:

On Friday, March 4, 2005, Deputies McMaster and Haines, unit 811G4, were working as part of Lancaster's Station "Lancaster Appreciation and Projects" (LANCAP) team. During their shift they received anonymous information that a female by the name of [redacted] was selling narcotics at the Desert Inn Motel from room #[redacted] The informant also told them that [redacted] was driving a brown older Buick Riviera which was parked in front of room [redacted]

Deputies McMaster and Haines contacted the management at the Desert Inn Motel and confirmed that a [redacted] was the registered guest in room [redacted] Deputies retrieved enough information to check [redacted] criminal history, which revealed that she was on [redacted] and had a [redacted] Deputies immediately contacted their immediate supervisor, Sergeant Sylvies and told him that they would be conducting a surveillance on room [redacted] and would advise him upon apprehension of [redacted]

Deputies McMaster and Haines positioned themselves in the lobby of the motel, which gave them direct surveillance to room [redacted] which was directly across from the office. During the surveillance they saw a light brown Buick Riviera parked in the space just outside of room [redacted] Also, parked just outside of the room and next to the Buick, was a white late model Toyota Corolla. Deputies McMaster and Haines contacted other team members, Deputies [redacted] and Cano, and advised them of the surveillance. Deputies [redacted] and Cano were tasked with taking a position on Sierra Highway and Avenue J-2, in order to intercept anyone leaving room [redacted]

During the surveillance, a late model Honda sedan entered the parking lot and parked directly south of room [redacted] A male black 30-35 years old, 6' 0", 250lbs, wearing a light colored shirt and a dark colored bennie, walked up to room [redacted] and knocked. An unknown person in the room opened the door, and the male black entered the room. Approximately 4-5 minutes later, the male black exited the motel room, returned to his car, and drove out of the parking lot headed south on Sierra Highway. Deputies McMaster and Haines contacted Deputies [redacted] and Cano and advised them of their observations. Deputies [redacted] and Cano conducted a traffic stop of the vehicle on Sierra Highway

and untimely arrested the driver for possession of narcotics.

While Deputies [redacted] and Cano conducted the traffic stop, Deputies McMaster and Haines continued to watch the hotel room. Approximately 10 minutes later Suspect [redacted] and a female black adult (nfd), exited room [redacted] Suspect [redacted] walked to the Buick Riviera and entered the driver's side. The female black walked over to the Toyota Corolla and entered the driver's side as well. Suspect [redacted] exited the motel parking lot and drove north on Sierra Highway towards Avenue J-2. Deputy Haines followed Suspect [redacted] and conducted a traffic stop for a vehicle code violation. Suspect [redacted] was subsequently taken into custody for narcotics violations.

Deputy McMaster continued to watch the female black who was still seated in the driver's seat of the Toyota Corolla. Approximately five minutes had elapsed from the time Suspect [redacted] left the motel. The female black started driving and exited the motel parking lot and drove north on Sierra Highway towards Avenue J-2. Deputy McMaster advised Deputy Haines that the second female was driving north on Sierra Highway towards him. Deputy Haines told Deputy McMaster that he saw her pass by on Sierra Highway as he was conducting his traffic stop. Deputy McMaster said that approximately two minutes later, he saw the same vehicle, Toyota Corolla, re-enter the parking lot and pull in front of room [redacted] The vehicle did not pull into the parking space, but instead pulled across the parking spaces in front of the room. The female black exited the vehicle, and in a hurry, ran up to the door of room [redacted] and started pounding hard on the front door. While pounding on the door, she was looking in all directions as if she was looking for someone to approach her. She continued to pound on the door for approximately 20-30 seconds, then ran back to her car when no one answered the door. The female black re-entered her vehicle and drove west through the parking lot and out of sight.

Deputy McMaster contacted Deputy Haines and told him of his observations at the motel room. Deputy Haines requested additional team members, unit 811G1, Deputies Kelly and Wolanski to start responding to their location. While waiting for responding units, Deputy McMaster obtained a master key from motel management. Deputy McMaster also contacted Sergeant Sylvies and advised him that they had detained Suspect [redacted] Deputy McMaster explained to Sergeant Sylvies that based on his observations of the female who was knocking at the door and the fact that noone answered, he believed that the room was unoccupied. Sergeant Sylvies told Deputy McMaster to go ahead and enter the room, once assisting deputies arrived, and secure it. Sergeant Sylvies started responding to the Desert Inn Motel to supervise the probation search.

INVOLVED EMPLOYEE'S STATEMENTS:

CHRISTOPHER McMASTER

Deputy McMaster said that when Deputies Kelly, Wolanski and Haines arrived, he used the pass key to open the front door of the motel room. They entered the room and saw a female, later identified as Witness [redacted] standing in the kitchen of the room. Deputy Haines detained Witness [redacted] as

Deputies McMaster and Kelly walked towards the back bedroom. As they entered the back bedroom they saw Suspect Evans standing next to the sink adjacent to the bathroom. Deputy McMaster identified himself as a deputy sheriff and told Suspect Evans to keep his hands where he could see them. Deputy McMaster told Suspect Evans to walk out of the bathroom area, turn and face away from him. Suspect Evans did not comply and stood staring at Deputy McMaster. Deputy McMaster repeated his command again for Suspect Evans to exit the bathroom, but he continued stand at the sink, and would not comply. Deputy McMaster repeated his commands numerous times to Suspect Evans at which time he appeared to become very agitated with Deputy McMaster. Deputy McMaster saw that Suspect Evans was tensing up and becoming angry. Deputy McMaster took a step back to increase his distance from Suspect Evans in order to better protect himself and his weapon in the event Suspect Evans advanced. As Deputy McMaster backed away he could see an object in Suspect Evans' mouth and it appeared he was trying to swallow it. At this point, Deputy McMaster ordered Suspect Evans to get down on the ground, but he refused.

Deputy McMaster saw a tire iron on the ground directly behind Suspect Evans. Deputy McMaster told Deputy Haines of his observations and they agreed to approach Suspect Evans and attempt to handcuff him. Deputy Haines holstered his weapon and approached Suspect Evans from the right. Deputy McMaster also holstered his weapon and approached Suspect Evans from the left side. Deputy Haines grabbed onto Suspect Evans right arm when Suspect Evans immediately swung his left elbow backwards in an attempt to hit Deputy Haines. Deputy McMaster grabbed Suspect Evans' left arm and tried to place it behind his back, but Suspect Evans pulled his arm forward breaking Deputy McMaster's grip. As Suspect Evans pulled his arm forward, they fell forward into the northeast corner wall of the bedroom. Suspect Evans continued to fight as Deputy Kelly came up and grabbed onto Suspect Evans' upper torso. During the struggle to control Suspect Evans, Deputy McMaster ended up on the ground directly behind Suspect Evans. As Deputy McMaster tried to stand up, he felt Suspect Evans trying to climb over him towards the bed which was in the center of the room. Deputy McMaster grabbed onto Suspect Evans as he along with Deputies Kelly and Haines fell onto the rear portion of the bed. Deputy McMaster climbed up onto the bed on the right side of Suspect Evans as he continued to fight with them and attempt to break free.

Deputy McMaster said he heard Deputy Kelly say "I lost my gun, I lost my gun," just as Suspect Evans was trying to place his right hand and arm underneath his body. Fearing that Suspect Evans might have Deputy Kelly's gun, Deputy McMaster grabbed onto Suspect Evans' right arm and attempted to pull it behind his back. Suspect Evans immediately tried to pull his hand back under him, at which time Deputy McMaster punched him in the right side of his back 4 to 5 times with his left fist. Suspect Evans momentarily stopped trying to pull his arm under him, and Deputy McMaster was able to pull his right hand out from under him into view. Suspect Evans right fist was closed as Deputy McMaster pulled his right hand and arm behind his back. Deputy McMaster positioned his hand in the small of Suspect Evans' back as he continued trying to pull it back under him. Deputy McMaster placed his upper body weight on Suspect Evans wrist in an attempt to keep his hand in place behind his back. Deputy McMaster heard Deputy Haines say, "he might have a weapon in his right hand, I can see a metal object." Suspect Evans pulled his right arm to his side

as Deputy McMaster tried to open his hand and remove the object. Suspect Evans pulled his hand forward, and as Deputy McMaster was pulling on his fingers an object fell out onto the bed. Deputy McMaster could not see where the object went, so he pulled his right hand back behind his back. Deputy McMaster heard Deputy Haines tell Deputy Wolanski to radio for a "taser" to respond to their location. While waiting for a taser to arrive, Suspect Evans continued to fight with the deputies and would not comply with any of their orders to stop. Deputy McMaster maintained control of Suspect Evans' right hand and continued to apply pressure to his right wrist which was behind his back. Deputy Sullivan arrived at the location with the taser and told everyone to stand clear and advised she would be deploying the taser. Deputy McMaster positioned his body away from Suspect Evans but maintained a grip on his right arm. Deputy Sullivan deployed to taser at Suspect Evans striking him with both darts in the buttocks area. The taser delivered a five-second charge which had no effect on Suspect Evans. Suspect Evans started to fight even more as Deputy McMaster started to lose his grip on his arm.

During the entire incident, Deputies Kelly, Haines, Wolanski, and McMaster continued to order Suspect Evans to stop fighting and comply with their orders, but he continued to fight and try to break free. Deputy McMaster said that Deputy Kelly started to move into a position to apply a Carotid Restraint as Deputy Haines was handed a taser gun from an unknown deputy. Deputy Haines placed the taser in the middle of Suspect Evans' back and delivered a five second contact shot. The taser appeared to have no effect on Suspect Evans who continued to fight and struggle. At this point, the fight with Suspect Evans had been going for approximately 7 to 8 minutes. Deputy McMaster said he could feel fatigue setting in as they continued to fight and struggle to control Suspect Evans. Not knowing where Deputy Kelly's gun was, or the location of the object (possible weapon) that was in his right hand, Deputy McMaster told Deputy Kelly to try and apply the Carotid Restraint as all other force options up to this point had been unsuccessful. Deputy Kelly moved into position as Deputy White arrived at their location to assist. Deputy White removed his Oleoresin Capsicum spray and delivered a one second burst to Suspect Evans face. This had no effect on Suspect Evans who was continuing to struggle and fight. Deputy Kelly moved into position and started to apply the Carotid Restraint. Deputy McMaster said that approximately five seconds after Deputy Kelly applied the Carotid Restraint on Suspect Evans he could feel him start to relax and his fight also stopped. At this point, Deputy McMaster was able to hold Suspect Evans right hand behind his back as Deputy Haines held his left hand behind his back. Deputy Wolanski was able to handcuff Suspect Evans. Deputy Kelly released Suspect Evans from the Carotid Restraint. Deputy McMaster heard Deputy Wolanski tell Deputy Kelly that his gun was lying on the floor at the foot of the bed where they had been fighting with Suspect Evans. Deputy McMaster said that after the fight he checked his gear and found that he was missing his flashlight and a large metal clip from his tactical vest was also gone.

IAB NOTE: Deputy McMaster said that the fight lasted between 7 to 8 minutes. A check of the radio traffic indicates that the fight was approximately 4 to 5 minutes in length.

Suspect Evans was removed from the bedroom and placed on his left side on the floor of the main room. Deputy [redacted] monitored Suspect Evans vitals as Deputy McMaster requested paramedics to respond to their location. Suspect Evans was transported to Antelope Valley Hospital by American Medical Response and Los Angeles County Fire Department Paramedics. **Refer to Exhibit - D - Original SH-R-49 written by Deputy McMaster.**

All force used in this incident was reported to Sergeant Sylvies.

KEVIN HAINES

Deputy Haines said that he and Deputy McMaster were conducting a surveillance at the Desert Inn Motel room #[redacted] Deputy Haines said that he conducted a vehicle stop and had detained a female black, later identified as Suspect [redacted] who was the registered guest in room# [redacted] Deputy Haines said that he requested a unit backup to his traffic stop in order to secure Suspect [redacted] vehicle. Deputy Haines then responded to the Desert Inn Motel with Suspect [redacted] in the back seat of his patrol vehicle and met with Deputy McMaster. Deputy Haines requested an additional unit backup in order to safely make entry into the location and conduct a compliance probation search. Deputies Wolanski and Kelly responded to their location and assisted with the entry and search.

Deputy McMaster opened the door to room #[redacted] They entered the location and found a female adult (later identified as Witness [redacted] standing in the kitchen. Deputy Haines ordered her to walk towards him and she immediately complied. Deputy Haines detained her in the living room of the location as Deputy McMaster entered the bedroom. Deputy Haines said he heard Deputy McMaster giving orders to someone (later identified as Suspect Evans) to keep his hands up and come out of the bathroom. Deputy McMaster continued giving orders for Suspect Evans to keep his hands up and walk towards him. Deputy Haines said that it was obvious to him that Suspect Evans was not following any orders been given to him by Deputy McMaster. Deputy Haines said he immediately handcuffed Witness [redacted] and took her outside to Deputy Wolanski, who eventually placed her in the backseat of a radio car.

Deputy Haines said he responded to the bedroom and saw Suspect Evans standing in the bathroom with his hands by his side and Deputy McMaster was detaining him at gunpoint. Deputy Haines saw Suspect Evans moving his mouth in a manner consistent with a person trying to swallow illegal narcotics. Deputy McMaster told Deputy Haines that there was a tire iron on the floor near their feet. Deputy Haines said he holstered his weapon and grabbed a hold of Suspect Evans' right arm in an attempt to place him into handcuffs. Suspect Evans tried to pull away from Deputy Haines grasp at which time Deputy Haines lowered his center of gravity and pulled him towards them. Suspect Evans used his left elbow and swung it at Deputy Haines in a backwards motion in an attempt to strike him. Deputy McMaster then grabbed a hold of Suspect Evans left arm in an attempt to control him and keep him from striking Deputy Haines. Deputy Haines said that the three of them fell against the north east corner wall of the bedroom where Suspect Evans continued to resist. Deputy Haines said that Deputy Kelly grabbed a hold of Suspect Evans' upper body in an attempt to assist

them with placing him into handcuffs. Suspect Evans pushed away from the wall causing all four to fall backwards onto the bed.

Deputy Haines said Suspect Evans was given numerous orders to stop fighting. Deputy Haines said the fight continued onto the bed where he positioned his body on Suspect Evans lower back and re-attempted to gain control of his right arm. Deputy Haines said he then heard Deputy Kelly say, "I lost my gun. I lost my gun." Based on the fact Deputy Kelly's gun was unsecured and the fact Suspect Evans was still fighting, Deputy Haines used his right fist and punched Suspect Evans three times on the right side of his back. Deputy Haines said he began to feel tired from fighting with Suspect Evans after what seemed like several minutes. Deputy Haines said he told Deputy Wolanski to get a taser equipped unit to their location "code three." Deputy Haines said he continued yelling at Suspect Evans to stop fighting and attempted to gain control of his left arm which he had managed to pull out from under his torso. Suspect Evans arms were slippery from sweat and very difficult to control. Deputy Haines said he looked down and saw a shiny piece of metal in Suspect Evans right hand. Deputy Haines told everyone that Suspect Evans had a possible weapon in his right hand.

Deputy Haines said that Deputy Sullivan arrived and told everyone to stand clear because she was going to deploy the taser. Deputy Haines maintained a hold of Suspect Evans' left arm and positioned himself beside him at which time Deputy Sullivan deployed the taser. The darts from the taser impacted Suspect Evans' buttocks. The taser appeared to have little or no effect on Suspect Evans. Due to the fact Suspect Evans continued to struggle and the fact the taser had very little effect, Deputy Haines repositioned himself on top of his back in order to maintain control of his left arm. Deputy Haines said he looked and saw that Deputy Kelly had placed Suspect Evans in a Carotid Restraint. Everyone continued to give orders for Suspect Evans to stop fighting but he continued to struggle by pulling away and kicking his feet. Deputy Haines said that Deputy Ellis handed him a taser without the darts so he placed the taser gun against Suspect Evans' back and activated a contact shot. This also appeared to have very little effect on Suspect Evans. Deputy Haines said that Deputy White arrived and applied a one second burst of Oleoresin Capsicum spray directly into Suspect Evans' face. Deputy Haines heard Deputy Kelly say that the Carotid Restraint was having an effect on Suspect Evans. Due to the effects of the Carotid Restraint, Deputy Wolanski was able to place handcuffs on Suspect Evans. During the struggle, Deputy Haines also lost his flashlight, which was later found near the area of the fight. **Refer to Exhibit - E - Supplemental Report written by Deputy Haines.**

Sergeant Sylvies responded to the location and was immediately notified of the use of force.

IAB NOTE: Deputy Haines resigned from his position as a deputy sheriff on April 1, 2005.

GREGORY KELLY

Deputy Kelly said he and his partner, Deputy Wolanski, responded to a backup request by Deputy Haines at the Desert Inn Motel. Deputy Kelly said as they approached the Desert Inn Motel on Sierra Highway they saw Deputy Sullivan at a traffic stop near the motel. Deputy Kelly stopped to assist, thinking that the backup request from Deputy Haines was at that location. Shortly after, he learned that Deputy Haines backup request was from inside of the motel parking lot. Deputy Kelly drove into the parking lot and saw Deputies McMaster and Haines standing in front of the closed door leading to room #[redacted] Deputy McMaster opened the door and they entered the room. Deputy Kelly said he saw Deputy Haines detain a female white adult in the front living room as Deputy McMaster walked toward the bedroom area. Deputy Haines handcuffed the female and directed her toward Deputy Kelly. Deputy Kelly said that he heard Deputy McMaster yelling at someone to put their hands up. Deputy Kelly said that he looked towards the bedroom and saw Deputy McMaster pointing his firearm at someone behind the bedroom door and yelling at them to show their hands. Deputy Kelly said he immediately ran into the bedroom behind Deputy Haines and saw a male black adult (later identified as Suspect Evans) standing in the vanity area outside the bathroom. Deputy McMaster was ordering Suspect Evans to step out into the open area with his hands up, but Evans just stood in the corner of the vanity area with his back towards Deputy Kelly and his right side toward Deputy McMaster.

Due to the fact Deputy Kelly could not see Suspect Evans' hands, he also detained him at gunpoint. Suspect Evans continued to stand in the corner of the vanity area after numerous requests to step out and show his hands. Based on Suspect Evans' failure to comply, move or say anything at all, Deputy Haines advised everyone that he was going to grab the suspect's wrist. Deputy Haines reached out to secure Suspect Evans hand as the Evans spun away, turned completely around and charged toward Deputy Haines and McMaster. Suspect Evans pushed them approximately five feet backwards into the bedroom area. Deputy Kelly said he holstered his firearm and immediately pushed the suspect into the northeast corner of the bedroom. Deputies Haines and McMaster helped to contain Suspect Evans in the corner to avoid any other assaultive behavior or possible escape.

Deputy Kelly pushed against Suspect Evans upper torso in order to hold him against the corner as he attempted to swing at Deputy McMaster with his right fist, while trying to push away from the wall with his left foot. Deputy McMaster continued ordering Suspect Evans to calm down. Suspect Evans was able to push off the wall with his foot and force Deputy McMaster down to the ground. Deputy Kelly said that as they all fell backwards onto the bed, he felt his duty weapon release from its holster. Deputy Kelly said he immediately yelled, "I lost my gun." Deputy Kelly said he immediately reached towards his holster, but could not get his hands below his chest area due to the entanglement between Suspect Evans and Deputy McMaster who were below. Deputy Kelly was unsure if the holster came unsnapped during the initial confrontation or if Suspect Evans unsnapped it. Deputy Kelly also said that he is unsure if the weapon fell during the fall onto the bed or if it was pulled from the holster by Suspect Evans.

Deputy Kelly said that due to the fact he was unable to get his hands near his waist or holster area, he grabbed Suspect Evans around the neck with his right arm and attempted to apply the Carotid Restraint. Deputy Kelly said he continued yelling, "I lost my gun." Suspect Evans attempted to get up off the bed as Deputy Kelly slid out towards Evans' right side and tightened his hold around his neck. Deputy Kelly said that his feet were hanging off the south side of the bed as he was facing the head of the bed (west side of the room). Deputy Kelly then heard Deputies Haines and McMaster yelling at the suspect to release his arms and place them behind his back. Deputy Kelly said that he was unable to see any of the deputies' or suspect's actions due to his position on the bed. Deputy Kelly could feel Suspect Evans continue to struggle and attempt to raise up off the bed. He also continued to hear the deputies yelling at the Suspect Evans to stop fighting and give up his hands. Deputy Kelly continued to apply pressure with the Carotid Restraint, but was having a hard time doing so based on the fact Suspect Evans was moving around in an extremely wild fashion. Deputy Kelly then heard Deputy Haines yell for someone to get a taser. The fight continued as he heard Deputy Haines yell that the suspect had a piece of metal in his hand, and then immediately yelled, "put him out Greg, put him out." Deputy Kelly continued trying to reposition himself in order to effectively apply the Carotid Restraint. Deputy Kelly then heard a deputy yell for everyone to let go, because they were going to shoot Suspect Evans with the taser. Deputy Kelly said that based on the fact he was still unaware of the location of his weapon, he did not want to let go of Suspect Evans in fear he might have possession of it. Deputy Kelly again ordered Suspect Evans stop fighting, but he continued jerking around and trying to get up off of the bed. Deputy Kelly then heard someone say, "the taser didn't work." Deputy Kelly advised everyone behind him that he still had Suspect Evans in a Carotid Restraint. Deputy Kelly said that after about another thirty seconds of applying pressure to Suspect Evans and his continued attempt to fight he heard Deputy Haines yell, "I'm going to hit him again with the taser." Deputy Kelly said he then saw Deputy White walk in front of him and spray Suspect Evans with a quick burst of Oleoresin Capsicum spray. Deputy Kelly said that Suspect Evans turned his head in an attempt to get away from the spray, which allowed for him to get a good hold of his neck and apply pressure with the Carotid Restraint for about five seconds. Shortly after the five seconds, Deputy Kelly said he felt Suspect Evans go limp an stop fighting. Deputy Kelly said he then heard Deputy Wolanski say that he had Suspect Evans handcuffed. Deputy Kelly immediately let go of Suspect Evans and rolled off the south side of the bed. Deputy Kelly was informed by Deputy Wolanski that his weapon was laying on the floor next to the north side of the bed.

Deputy Kelly said Suspect Evans was lying face down on the bed with his knees and feet on the floor to the east. Deputy Kelly walked behind Suspect Evans and conducted a search of his person and found a glass cocaine pipe in his right front pants pocket. Suspect Evans appeared to be conscious and coherent as Deputy Kelly conducted the search. Deputy Kelly asked Suspect Evans to stand up and walk into the front room, but he did not move. Deputy [redacted] assisted Deputy Kelly by raising Suspect Evans to his feet by grabbing his right armpit area while Deputy Kelly lifted his left armpit area. Deputies Kelly and [redacted] assisted Suspect Evans as he walked into the living room area where he was placed on his left side. Deputy [redacted] monitored the suspect until the paramedics arrived. **Refer to Exhibit - F - Supplemental Report written by Deputy Kelly.**

Deputy Kelly reported his use of force to Sergeant Sylvies.

DANIEL WOLANSKI

Deputy Wolanski and Deputy Kelly responded to Ave. J-2 and Beech Avenue, Lancaster, regarding a backup request for a traffic stop by 811 G4 (Deputies Haines and McMaster). Deputy Wolanski said that as they arrived they saw Unit 112B, Deputy Sullivan, parked behind a gold car. Deputy Wolanski asked where Deputies Haines and McMaster were at. Deputy Sullivan started to tell him that they were at the Desert Inn Hotel, when almost simultaneously they heard Sheriff's Communication Center advise that Deputies Haines and McMaster were requesting back-up.

Deputy Wolanski said they immediately acknowledged the back up request and responded to the Hotel. As they pulled into the parking lot, they saw Deputies Haines and McMaster vehicle parked on the east side of the Hotel, near room [redacted] Deputy Wolanski said he then saw Deputies Haines and McMaster standing outside the door to room [redacted] Deputies Haines, McMaster and Kelly made entry into the room. Deputy Wolanski said that from his position he could not see into the room. Seconds after the entry, Deputy Wolanski saw Deputy Kelly bring a handcuffed female (later identified as [redacted] out the door and asked him to secure her. Deputy Wolanski took her to his radio car, conducted a quick pat down for weapons and secured her in the backseat of his radio car. Deputy Wolanski then returned and entered the room to see if the location was secure. Deputy Wolanski did not see anyone in the living room or kitchen but heard yelling and a scuffling coming from the bedroom. Deputy Wolanski walked towards the bedroom doors which were partially closed and saw Deputy Haines, Deputy McMaster and Deputy Kelly fighting with a large male black (later identified as Suspect Evans). They were all standing in the north east corner of the bedroom, behind the north door. Deputy McMaster and Deputy Haines were standing to the south of the suspect and Deputy Kelly was standing to the west of the suspect. All three deputies appeared to be using their hands, pushing on the suspect, in an attempt to keep him contained in the corner.

Deputy Wolanski saw a dark colored metal crow bar laying on the bedroom floor approximately two feet from the suspect's feet. Deputy Wolanski stayed at the doorway and requested assistance regarding deputies involved in a fight. While at the doorway, Deputy Wolanski saw Deputy McMaster fall backwards onto the bedroom floor. As they fell, Deputy Kelly grabbed the suspect around the head area. Deputy Kelly continued falling backwards onto the bed with the suspect landing on top of him. Deputy Haines grabbed the suspect around the torso area and also fell onto the bed with the suspect. Deputy McMaster grabbed the suspect's lower body and was attempting to control him from moving.

The suspect was now laying face down with Deputy Kelly laying partially under the suspect. Deputies McMaster and Haines were trying to pull the suspects hands behind his back but could not pull his hands free from under his abdomen area. Deputy Wolanski said he heard Deputy Kelly yelling, "I lost my gun!" Deputy Wolanski then saw Deputy Haines punch Suspect Evans several times in the upper back area. Deputy Wolanski remained at the foot of the bed where the suspect's

feet were hanging off the bed. Deputy Wolanski moved and grabbed the suspect's lower legs (calf area) and tried to hold them still. Suspect Evans immediately kicked wildly with both legs, knocking Deputy Wolanski into a television entertainment system and to his buttocks. Suspect Evans continued kicking and thrashing around on the bed. Deputy Wolanski could not see his upper torso because Deputy Haines and Deputy McMaster were on top of him. Deputies Haines and McMaster were yelling for the suspect to put his hands behind his back but he was not complying.

Deputy Wolanski said it appeared that Deputies Haines and McMaster were struggling to stay on top of Suspect Evans due to the fact he was pushing up off the bed and thrashing from side to side. While struggling with the Suspect Evans, Deputy Wolanski heard Deputy Haines yell, "he's got a piece of metal in his hands. Put him out Greg, put him out!" Fearing the suspect had a knife or Deputy Kelly's gun in his hand, Deputy Wolanski kicked him approximately three times in the lower groin/buttocks area and quickly drew his straight expandable baton. Deputy Wolanski said that the kicks had no apparent effect. Deputy Wolanski then struck Suspect Evans' legs approximately three times with his baton. This still seemed to have no effect, as Suspect Evans continued to kick at Deputy Wolanski with his legs and feet. Deputy Wolanski struck him approximately five to seven more times in the feet and lower leg area. Suspect Evans finally stopped kicking and Deputy Wolanski was able to pin his legs to the ground. Throughout the struggle, Deputy Wolanski continued to yell for Suspect Evans to stop fighting and put his hands behind his back. While pinning his legs at the foot of the bed, Deputy Wolanski saw two black flashlights on the north side of the bed. Deputy Wolanski still could hear Deputies Kelly, McMaster and Haines struggling with the suspect's upper body. Deputy Wolanski heard Deputy Haines yell for someone to get a taser. Deputy Wolanski said he requested, over the radio, for a deputy to respond with a taser. Deputy Haines yelled for the suspect to put his arms behind his back and again the suspect did not comply.

Deputy Wolanski said that a few minutes later, Deputy Sullivan ran into the room with a taser. Deputy Haines started yelling, "shoot him with the taser, I can't control his arms." Deputy Sullivan moved towards his lower torso area, while Deputy Wolanski let go of his legs and backed away. Deputy Haines still controlled the upper left side of the suspect's body because the suspect was still trying to push up off the bed. Deputy McMaster rolled off the suspect. Deputy Wolanski then saw Deputy Kelly holding the suspect in a carotid restraint. Deputy Sullivan activated the taser which fired into Suspect Evans buttocks area. Deputy Wolanski heard the crackling of the taser but saw no reaction from Suspect Evans. Suspect Evans still continued to concealed his arms beneath his torso area. Deputy Wolanski then saw Deputy Haines, who had been given a taser, place the taser against the upper torso area of Suspect Evans and heard him yell that he was going to activate the taser. Deputy Haines placed the taser against the suspect's upper back and activated it with a contact shot. The suspect still did not seem to be effected by the taser. His body remained rigid, with his arms under his torso. Deputy McMaster grabbed onto one of the suspect's arms and tried to pull it behind his back. The suspect appeared to remain rigid, forcing his arms under his body and kicking his legs again.

Due to the ineffectiveness of both taser deployments, Deputy Wolanski grabbed Suspect Evans' legs again in an attempt to control them. An unknown deputy yelled for someone to use their O.C. spray on Suspect Evans. Due to Deputy Wolanski's position at the foot of the bed, he could not see if or who sprayed the suspect. At this point he did feel Suspect Evans stop kicking. Deputy Wolanski got off the floor where he had been kneeling and saw Deputies McMaster and Haines controlling the suspect's arms behind his back. Deputy Wolanski removed his handcuffs and quickly handcuffed the suspect. Deputy Wolanski said that as he stood up to handcuff the suspect, he saw Deputy. Kelly's handgun laying on the floor on the north side of the bed. Deputy Wolanski told Deputy Kelly that his weapon was on the floor, who then recovered his handgun. **Refer to Exhibit - G - Supplemental Report written by Deputy Wolanski.**

Deputy Wolanski immediately notified Sgt. Sylvies of his use of force.

MELISSA SULLIVAN

Deputy Sullivan said that she was asked to respond to Deputy Haines' location of a traffic stop in order to secure a vehicle. Deputy Sullivan said that as she was doing the paperwork for the vehicle to be towed she heard Deputy Wolanski requesting assistance at the Desert Motel Inn regarding a deputy involved in a fight.

Deputy Sullivan said she responded to the Desert Inn Motel which was approximately fifteen seconds from her location. Deputy Sullivan said she arrived at the motel at the same time as Deputy White. Deputy Sullivan said that she and Deputy White entered through the open front door of room #[redacted] Deputy Sullivan said that when she entered the room she could hear yelling coming from another room inside the unit. Deputy Sullivan entered the bedroom where she saw a struggle occurring between deputies and a Male black adult. Deputy Sullivan saw that Deputy Kelly had the suspect in a Carotid Restraint on the bed as they were attempting to detain the struggling suspect. Deputy Sullivan heard Deputy Haines yell that the suspect had something silver in his hands. Deputy Sullivan said that Deputies Haines and McMaster were trying to get the suspects hands out from underneath his body. Both deputies were unable to remove the suspects hands from underneath his body. The suspect was flailing his body around the bed and rolling from side to side struggling with the deputies, refusing to show his hands. Deputy Sullivan said that Deputy Haines yelled for her to shoot the suspect with the taser. Deputy Sullivan said she fired the taser at the suspect' s exposed back. Due to the fact the suspect was flailing around the taser darts hit the suspect in his buttocks through his sweat pants. The taser had no effect on the suspect and he continued to struggle. Deputy Sullivan said she saw that Deputies Haines and McMaster were finally able to pull the suspects hands from underneath his body. The suspect was handcuffed without further incident. **Refer to Exhibit - H - Supplemental Report written by Deputy Sullivan.**

Deputy Sullivan reported the deployment of the taser to Sergeant Sylvies immediately.

JONATHAN WHITE

Deputy White responded to an assistance request by Deputies Haines and McMaster at the Desert Inn Motel. Deputy White said he and Deputy Sullivan arrived simultaneously and both ran into room #[redacted] Deputy White said he saw a male black (later identified as Suspect Evans) on a bed struggling and fighting with Deputies Haines, McMaster and Kelly. Deputy White saw that Deputy Kelly had Suspect Evans in a Carotid Restraint while Deputies Haines and McMaster were attempting to place his hands behind his back.

Deputy White said that he and Deputy Sullivan had M-26 Tasers in their possession. Deputy Sullivan fired her taser at Suspect Evans which had little to no effect. Deputy White said he tried to position himself to fire his taser but was unable to due to Suspect Evans erratic movements. Deputy White said he instead applied a one second burst of Oleoresin Capsicum spray directly into Suspect Evans face. Deputy White said that Suspect Evans continued to struggle for a short period until Deputy Wolanski was able to handcuff him. **Refer to Exhibit - I - Supplemental Report written by Deputy White.**

Deputy White reported his use of force to Sergeant Sylvies.

SWORN WITNESSES:

RICHARD ELLIS

Deputy Ellis and his partner (Deputy Randolf Megrdle) responded to an assistance request at the Desert Inn Motel. Deputy Ellis said that upon arrival they saw several patrol vehicles parked in front of room #[redacted] and the front door of the room was open. Deputy Ellis exited his vehicle and ran into the room equipped with an M-26 taser. Deputy Ellis said he could hear several Deputies yelling, "stop fighting." Deputy Ellis ran into the bedroom and saw several deputies trying to subdue a fighting suspect (later identified as suspect Evans). Suspect Evans was lying face down on the bed. Deputy Ellis said Suspect Evans appeared to be struggling with the deputies in an attempt to break free and get to his feet. Deputy Ellis saw Deputy Kelly applying a carotid restraint on Suspect Evans. Deputies Haines and McMaster were trying to gain control of his arms. Suspect Evans had taser darts and wires attached to the back of his sweat pants as if he had already been shot by a taser. Deputy Ellis said he saw that Deputy Sullivan was holding the taser which had just been deployed. Deputy Sullivan told him that they had used the taser but it didn't have much effect on Suspect Evans. Deputy Wolanski appeared to be controlling Suspect Evans legs. Deputy Ellis said he heard Deputy Haines call for a taser without a live cartridge in order to deliver a contact shot to Suspect Evans who was still struggling to break free. Deputy Ellis handed Deputy Haines the taser as he requested.

Deputy Haines placed the taser in the middle of Suspect Evans' back and squeezed the trigger delivering a contact shot that also appeared to have very little effect. Deputy Ellis said that due to the fact they were confined in a small area and there were already several deputies on scene, he was unable to lend much assistance with helping them to control the suspect. Deputy Ellis saw Deputy White apply a one to two second burst of Oleoresin Capsicum Spray directly into Suspect Evans face. Deputy Ellis then heard Deputy Kelly say the suspect was beginning to submit to the carotid restraint. Deputy Wolanski placed handcuffs on Suspect Evans who was taken into custody without further incident. **Refer to Exhibit - J - Supplemental Report written by Deputy Ellis.**

Deputy Ellis reported his witnessing of force to Sergeant Sylvies.

WITNESS STATEMENTS:

[redacted]

Witness [redacted] said that she was standing in the kitchen area of her motel room ("Desert Inn" room # [redacted] when deputies opened the door and entered. The deputies pointed their guns at her and ordered her out of the room. She heard the deputies yelling at her [redacted] Dave (Suspect David Evans) numerous times to drop what he had in his hands and to step out of the room. Witness [redacted] also heard the deputies asking for a "Taser." Witness [redacted] said she was placed inside of a patrol car and saw several deputies rushing into the room during the time she was seated in the car. Witness [redacted] then saw an ambulance arrive and the suspect was taken from the room on a stretcher. As the suspect was wheeled from the room, she saw that he was laying on his left side and was handcuffed behind his back. Witness [redacted] said the suspect was shaking and his eyes appeared to be "rolled back." Witness [redacted] did not see any injuries on the suspect's face and he did not appear to be physically injured.

Witness [redacted] said that after the deputies searched the room, she was taken to Lancaster station where she was [redacted] Witness [redacted] recalled that prior to the deputies entering the room, she saw the suspect standing near the sink in the bedroom with a cocaine pipe in one hand and a lighter in the other hand. Witness [redacted] said that she has known the suspect for approximately two to three months and she has [redacted] with the suspect and his [redacted] (Witness [redacted] in motels for the past month. Witness [redacted] said that the suspect had been constantly smoking "rock cocaine" day and night for several days. Witness [redacted] also was aware that the suspect had been previously hospitalized for a possible drug overdose and that he was recently released from jail for a drug charge.

[redacted]

Witness [redacted] said that she was driving away from the "Desert Inn" motel when she was stopped by deputies. She was questioned about drug sales in her room [redacted] and ultimately [redacted] When she was [redacted] she was placed in a cell with Witness [redacted] Witness

[redacted] told her that she was in the room when deputies entered and arrested her and David Evans. Witness [redacted] told her that Suspect Evans swallowed some "rock cocaine" and was transported to the hospital. Witness [redacted] said she has known Suspect Evans for more than ten years and said that he had recently become a heavy user of "rock cocaine." Witness [redacted] said that when Suspect Evans uses cocaine he becomes very paranoid. Witness [redacted] recalls that Suspect Evans had been hospitalized approximately two months ago for a drug-induced stroke. Witness [redacted] and Suspect Evans had recently been arrested together while staying at the "Tropic Motel" in Lancaster. While at the "Tropic Motel," the suspect was selling and using "rock cocaine." Witness [redacted] said that when Suspect Evans was released from jail, he met up with her again and began selling "rock cocaine." Witness [redacted] said that Suspect Evans used over a quarter ounce of cocaine during a twenty-four-hour period prior to this incident. He also had taken four "Ambiens" (Prescription sleeping pill) within the last eight hours of his arrest because he could not sleep.

SUSPECT STATEMENTS:

None - Suspect deceased

MISCELLANEOUS:

On May 16, 2006, the District Attorney's Office rendered their opinion on this case with the following findings;

> *"The evidence suggests that the deputies involved in the incident used only the force necessary and only increased the level and category of force as Evans increased his resistance and after exhausting lesser means. Evans did not comply with any of the deputies' commands to stop his violent struggle. He chose to ignore the deputies' initial commands to come out of the bathroom area with his hands visible and instead remained in a corner with a 22 inch tire iron at his feet. When verbal commands did not work, Evans escalated the situation by attempting to strike Deputy Kelly and struggling with such force that they were all thrown against a wall and onto a bed. Throughout the struggle, Evans displayed aggressive behavior, ignoring the deputies' verbal requests and refusing to submit to their control holds, kicks, punches, or baton strikes. Once Deputy Kelly realized that his firearm was missing and could be in the possession of Evans, each of the deputies reasonably feared for their lives and the lives of their fellow deputies. Two separate tasers and OC spray were deployed with no apparent effect on Evans. Deputy Kelly released Evans from the carotid restraint hold as soon as he felt Evans relaxing, a period of approximately five seconds. After Deputy Kelly released him, Evans was initially verbal and responsive. Paramedics were summoned immediately after the deputies observed Evans having trouble breathing and they placed him in an upright position. The evidence gathered in this investigation does not indicate that the deputies acted recklessly or in a grossly negligent way in restraining Evans. The evidence shows that the deputies use of force was reasonable and in direct response to Evans' aggressive behavior. Additionally, the coroner was unable to determine what, if any,*

effect the restraint used by Deputy Kelly or any of the deputies played in the death. Therefore, we do not find sufficient facts to find the deputies criminally liable in this matter. We are closing our file and taking no further action."

Due to the fact that Deputy Kelly used a Carotid Restraint on Suspect Evans, The District Attorneys Office contacted the deputy medical examiner at the Coroners Office for his opinion on the use of the Carotid Restraint in this case. The following summary is directly from the District Attorney's letter of opinion. **Refer to Exhibit - K - Copy of District Attorney's letter of opinion.**

"The Deputy Medical Examiner, Dr. Panchal, was contacted by this office on March 9, 2005. He stated that Evans was more susceptible to the adverse effects of the carotid restraint hold due to his preexisting heart condition, drug ingestion, sickle cell status and his physical exertion during the struggle. His enlarged heart and recent drug induced stroke had already compromised Evans' heart. Cocaine ingestion, adrenaline, and potassium can all cause an increase in demand for oxygen, placing additional stress on the heart. The coroner could not determine what effect the sickling of the blood cells had on depriving the heart of the increased need for oxygen. The coroner was unable to determine whether the carotid restraint hold was properly applied due to Evans' wild movements during the struggle.

The coroner ultimately ascribed cause of death due to "sequelae of hypoxic/ischemic encephalopathy with brain death due to or as a result of cardiorespiratory arrest due to or as a result of the combined effects of cocaine use of an unknown quantity, coronary atherosclerosis and restraint maneuvers with a further contributing condition of Hemoglobinotpathy AS (Sickle Cell disease)." The exact cause of death could not be determined.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

May 16, 2006

Captain Raymond Peavy
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File No: 06-0037
L.A.S.D. File No: 005-04448-1123-499

Dear Captain Peavy,

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 4, 2005, death of David Levi Evans while in the custody of Los Angeles County Sheriff's Deputies Kevin Haines, Gregory Kelly, Christopher McMaster, Melissa Sullivan, Jon White and Daniel Wolanski. We have concluded that under the facts and evidence presented to this unit, these deputies acted lawfully and are not criminally liable for the death of Evans.

The following analysis is based on reports and photographs submitted to this office on January 19, 2006, by Detective Dameron Peyton of the Los Angeles County Sheriff's Department, Homicide Division and a conversation with a representative of the Los Angeles County Coroner. No compelled statements were reviewed or considered as part of our analysis.

FACTUAL ANALYSIS

On March 4, 2005, at approximately 11:40 p.m., Deputy Christopher McMaster and Deputy Kevin Haines began a surveillance of room [redacted] in the Desert Inn Motel located at 44219 Sierra Highway, Lancaster. The deputies had received information that the registered occupant of the room, [redacted] was [redacted] and selling narcotics from the room.

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After observing what they believed to be narcotic traffic, in and out of the motel room, the deputies decided to enter. Deputy Haines requested the assistance of Deputies Kelly and Wolanski who arrived within minutes of the request. Deputies McMaster and Haines opened the door with a pass key and saw Witness [redacted] standing in the kitchen. Deputy Haines detained Witness [redacted] without incident.[1]

Deputies McMaster and Kelly walked toward the back bedroom and saw David Levi Evans standing adjacent to the bathroom. Evans was a 45 year old African-American male, 6'2" weighing 207 pounds.[2] Deputy McMaster ordered Evans to keep his hands where he could see them and walk out of the bathroom area. Despite numerous requests, Evans did not comply. Instead, he became increasingly agitated. As Deputy McMaster was attempting to use verbal orders with Evans, he could see that Evans appeared to be chewing and attempting to swallow an object, consistent with rock cocaine.

Deputy McMaster observed a black tire iron approximately 22 inches long lying on the floor directly next to Evans. After seeing the tire iron, Deputies McMaster and Kelly approached him in an attempt to handcuff him for officer safety. As the deputies approached on opposite sides, Evans attempted to strike Deputy Kelly with his elbow. As the deputies struggled to control Evans, the three fell against the bedroom wall. Evans pushed away from the wall causing everyone to fall on to the bed where he continued to violently kick and thrash about, ignoring all commands.

During this struggle, Deputy Kelly was lying face up partially under Evans who was face down. Deputy Kelly felt his firearm release from his holster and was unaware of its location. He was unable to get his hands below his waist to feel around for or retrieve his firearm because of his position and his entanglement with Evans and Deputy McMaster. Deputy Kelly yelled that he "lost his gun", alerting his fellow deputies to the danger. At this time, Evans continued resisting by trying to pull his right arm underneath him and close to his chest.

Fearing that Evans had Deputy Kelly's gun, Deputy McMaster attempted to pull out Evans' right arm, but Evans continued to resist. The deputies could not see if Evans had possession of the firearm because his hands were underneath him.

Due to Evans' wild movements, the deputies were unable to maintain their holds and positions. The deputies attempted to apply various control holds, including a carotid restraint hold. Both Deputies McMaster and Haines administered a set of closed fisted punches to Evans, with McMaster delivering four to five blows and Haines delivering three blows, each to the right side of Evans' back. Despite his attempts, Deputy Kelly

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[1] Witness [redacted] was escorted out and seated in a patrol car and was not a percipient witness to the encounter between the deputies and David Evans.

[2] Coroners report, Form 12. There is no information as to what the decedent was wearing other than sweatpants.

was unable to apply or maintain a carotid restraint hold because Evans was extremely sweaty and thrashing around wildly. After administering the second set of punches, Deputy McMaster was able to pull Evans' right arm into view and observe that his fist was clenched. Deputy Haines observed that Evans was clenching a silver metal object in his right fist and believed that it was a weapon.

Deputy Wolanski, also fearing that Evans had a weapon, delivered a set of kicks to the lower groin/buttocks area with no apparent effect. As Evans continued to kick wildly, Deputy Wolanski administered three baton strikes to the legs with his expandable baton. When Evans failed to comply with commands to stop resisting, the deputy issued five to seven more strikes to the feet and lower leg area. Only then was Deputy Wolanski able to pin Evans' legs. At or around the same time, Deputy McMaster was able to extract the unknown object from Evans' fist. However, the object fell and the deputies did not know where it landed or what it was.

Evans continued to fight the four deputies, flail and roll from side to side. He concealed his right hand and fist underneath him despite the ongoing attempts of the deputies to gain control of him using commands and distraction strikes. Each deputy noted that Evans was sweaty, slippery and struggling wildly. Given Evans' height and weight, these factors made it impossible for the deputies to neutralize the danger that he posed.

Deputy Sullivan arrived with a taser and deployed it, lodging the darts in Evans' buttocks and delivering a five second charge. After realizing that the taser had no apparent effect on Evans, Deputy Haines deployed a second taser by delivering a five second contact shot to Evans' back, again with no reaction from Evans.[3] Each of the deputies struggling to control Evans reported that the tasers had no apparent effect on Evans who continued to fight. Deputies Kelly, Haines, McMaster and Wolanski continued ordering Evans to comply with no avail. Deputy Kelly did not release his hold on Evans in fear that he had possession of his gun, concealing it under his body in his clenched and non-visible hands, and thought that both tasers had malfunctioned or had not been used. The force and energy that Evans was using was not diminishing while the deputies reported feeling the onset of fatigue.

Deputy White arrived and applied a one second blast of Oleoresin Capsicum (OC) spray to Evans' face. While it appeared that the OC blast had no apparent effect on Evans, it did cause him to turn his head to avoid the spray. This turn of the head enabled Deputy Kelly to correctly apply the carotid restraint hold. After approximately five seconds Deputy Kelly felt Evans relax. Deputy Kelly immediately released his hold and Evans was handcuffed without further incident.

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[3] The coroner's investigator noted that taser darts were in Evans' buttocks and the autopsy notes a healing wound consistent with a taser on Evans' back.

Deputy Kelly's loaded service pistol was found at the foot of the bed where the struggle took place. Also missing from their belts and recovered in the vicinity of the bed were Deputy McMaster's flashlight and large metal clip, as well as Deputy Haines' flashlight. The tire iron was recovered and booked into property.

Deputy Kelly retrieved a glass cocaine pipe from Evans' sweatpants pocket. Initially, Evans was coherent and responsive to the deputies' questions. He was apparently able, but unwilling, to walk and was assisted by Deputy Kelly and Deputy [redacted] into the living-room area where he was laid on the floor.[4] A short time later, Deputies Pokorny, Haines and Kelly noticed that Evans was having trouble breathing and was placed on his left side. He was then placed in a seated position with his back resting against Deputy [redacted] shins. Paramedics were notified and Evans was still responsive when they arrived. However, Evans rapidly deteriorated and was transported to Antelope Valley Hospital where he was pronounced dead on March 6, 2005, at 12:38 a.m.

Both [redacted] and [redacted] told investigators that Evans was hospitalized approximately two months earlier for a stroke determined to be a result of an overdose of smoking rock cocaine. They both said that Evans was a heavy cocaine user, had been smoking rock cocaine constantly day and night for the last several days and had "smoked rock cocaine just a few minutes prior to [the deputies] entering the motel room". [redacted] said that Evans had used over a quarter ounce of cocaine during the 24 hour period prior to the deputies entering the motel room and had ingested four AMBIEN sleeping pills within eight hours of this incident in a failed attempt to sleep. [redacted] also related that Evans was holding a quarter size chunk or bindle of rock cocaine in the palm of his hand just before the deputies entered. Further, she observed Evans after he was handcuffed and before the paramedics arrived and noted that his face did not appear to be injured.

On March 9, 2005, Los Angeles County Corner Deputy Medical Examiner Ajay J. Panchal, M.D., performed an autopsy on the body of David Evans. Although no abrasions, fingernail marks, or ecchymoses (bruising) were identified on his neck, there was a fracture of the left superior horn of the thyroid cartilage and a hemorrhage of the soft tissue near the origin of the esophagus near the fracture and of the tongue. The thyroid bone was intact and nothing was occluding Evans' airway. The autopsy did not reveal any evidence of trauma involving the mouth, face, skull or internal structures of the neck. No petechial hemorrhage of the conjunctivae of the lids was identified. Only minor abrasions and bruising were noted. The extent to which the airway was compromised by neck trauma could not be established by the coroner.

Toxicology results revealed the presence of cocaine and a postmortem blood sample showed the presence of benzoylechonine (the metabolite breakdown of cocaine) in Evans' system. The coroner noted the level of cocaine can be higher at the time of arrest

[4] It is unknown whether this was on his stomach on his back.

than at the time the samples are taken due to continual absorption of the drug from the gastrointestinal tract. Thus, the coroner was not able to ascertain the level of cocaine at the time of the altercation and arrest, nor was he able to establish with certainty the degree to which the cocaine played a role in Evans' death.

Evans' heart was significantly enlarged and his left ventricular myocardia showed significant thickening.[5] This indicated that Evans' heart was overburdened and compromised. Postmortem revealed sickling of erythrocytes in the lungs.[6] The coroner was unable to determine if the sickling occurred at the same time of the neck compression (carotid restraint hold) or at a later time.

The coroner ultimately ascribed cause of death due to "sequelae of hypoxic/ischemic encephalopathy with brain death due to or as a result of cardiorespiratory arrest due to or as a result of the combined effects of cocaine use of an unknown quantity, coronary atherosclerosis and restraint maneuvers with a further contributing condition of Hemoglobinotpathy AS (Sickle Cell disease)." The exact cause of death could not be determined.

The Deputy Medical Examiner, Dr. Panchal, was contacted by this office on March 9, 2005. He stated that Evans was more susceptible to the adverse effects of the carotid restraint hold due to his preexisting heart condition, drug ingestion, sickle cell status and his physical exertion during the struggle. His enlarged heart and recent drug induced stroke had already compromised Evans' heart. Cocaine ingestion, adrenaline, and potassium can all cause an increase in demand for oxygen, placing additional stress on the heart.[7] The coroner could not determine what effect the sickling of the blood cells had on depriving the heart of the increased need for oxygen. The coroner was unable to determine whether the carotid restraint hold was properly applied due to Evans' wild movements during the struggle.

David Evans had a [redacted] At the time of his death he was on his [redacted] and had [redacted]

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[5] Evans' heart weighed 420 grams which is heavier than expected based on his height and weight. The expected weight of the normal heart for a male with Evans' height and weight is 351+/- 40 grams. (Table A1.11, page 607, Knights Forensic Pathology, 3rd Ed.) The right ventricular myocardial thickness was 0.4 cm compared to the left ventricular myocardial thickness of 1.1 cm.

[6] This is commonly known as Sickle Cell Disease. Erythrocytes (red blood cells) affected by sickling disease lose their pliant disc shape and their ability to efficiently move through the circulatory system and provide oxygen. The "sickled" cells become rigid, restrict blood flow, produce clots and cause tissues to become hypoxic (lacking oxygen).

[7] Taser deployment can lead to a release of potassium in the blood.

[8] Penal Code Section 148 is Obstructing / Resisting a Public Officer. Penal Code Section 243(b) is Battery on a Peace Officer or Emergency Personnel. [redacted]

LEGAL ANALYSIS

Penal Code Section 835 states that, "Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or overcome resistance."

The United States Supreme Court has held that in evaluating the use of force by police officers, "reasonableness" is to be judged from the perspective of a reasonable officer at the scene, taking into account circumstances surrounding the use of force, including whether the suspect poses an immediate threat to the safety of the officers or others and whether he is actively resisting arrest. In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. Graham v. Connor (1989) 490 U.S. 386, 396-398.

CONCLUSION

The evidence suggests that the deputies involved in the incident used only the force necessary and only increased the level and category of force as Evans increased his resistance and after exhausting lesser means. Evans did not comply with any of the deputies' commands to stop his violent struggle. He chose to ignore the deputies' initial commands to come out of the bathroom area with his hands visible and instead remained in a corner with a 22 inch tire iron at his feet. When verbal commands did not work, Evans escalated the situation by attempting to strike Deputy Kelly and struggling with such force that they were all thrown against a wall and onto a bed. Throughout the struggle, Evans displayed aggressive behavior, ignoring the deputies' verbal requests and refusing to submit to their control holds, kicks, punches, or baton strikes.

Once Deputy Kelly realized that his firearm was missing and could be in the possession of Evans, each of the deputies reasonably feared for their lives and the lives of their fellow deputies. Two separate tasers and OC spray were deployed with no apparent effect on Evans. Deputy Kelly released Evans from the carotid restraint hold as soon as he felt Evans relaxing, a period of approximately five seconds. After Deputy Kelly released him, Evans was initially verbal and responsive. Paramedics were summoned immediately after the deputies observed Evans having trouble breathing and they placed him in an upright position.

The evidence gathered in this investigation does not indicate that the deputies acted recklessly or in a grossly negligent way in restraining Evans. The evidence shows that the deputies use of force was reasonable and in direct response to Evans' aggressive behavior. Additionally, the coroner was unable to determine what, if any, effect the restraint used by Deputy Kelly or any of the deputies played in the death. Therefore, we do not find sufficient facts to find the deputies criminally liable in this matter. We are closing our file and taking no further action.

Very truly yours,

STEVE COOLEY
District Attorney

By

TAL KAHANA
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c: Deputy Kevin Haines, #[redacted]
Deputy Gregory Kelly, #[redacted]
Deputy Christopher McMaster, #[redacted]
Deputy Melissa Sullivan, #[redacted]
Deputy Jon White, #[redacted]
Deputy Daniel Wolanski, [redacted]